



United States Department of Agriculture  
Food and Nutrition Service

Southeast Region

Reply to  
Attn. of: CN 11

December 23, 2003

**Subject:** Policy Memorandum 210.11-14, 220.8-06, 225.16-18, 226.20-30: Foods of Minimal Nutritional Value – Water Ice and Soda Water

**To:** All State Directors  
Child Nutrition Programs  
Southeast Region

This is to clarify what constitutes a “water ice” and “soda water” under foods of minimal nutritional value (7 CFR 210, 220 and Appendix B to Part 210, 220 for the National School Lunch, School Breakfast Program and 7 CFR 225.16, 226.20 for the Summer Food Service Program and the Child and Adult Care Program). We have had questions about various products and whether they are considered in one of these two categories of Foods of Minimal Nutritional Value (FMNV). A food that is considered as a “water ice” or as “soda water” cannot be sold in competition with program meals.

Water ices include foods that are artificially or naturally flavored with non-fruit or non-fruit juice flavorings. However, a frozen product with fruit or fruit juice or with milk or milk products is not classified as a water ice. Further, unless exempted as allowed under Appendix B to Part 210, all soda waters, which include all carbonated beverages, are considered a FMNV.

Therefore, unless the following types of products have an exemption for a specific product, they are considered FMNV:

- Frozen, water-based bars – water ices
- Frozen coffee/tea drinks – water ices
- Partially frozen drinks – water ices
- Frozen pickle juice/brine – water ice
- Soda water floats – soda water; while these items contain ice cream which is not a FMNV, the main ingredient is soda water.

Should you have any questions regarding this matter, please contact Joi Hatch in the School and Family Nutrition Section at (404) 562-7078.

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Special Nutrition Programs